

REMARKS

New claim 7 was added. Therefore claims 1 – 7 are pending in the present application. The objections and rejections set forth in the Office Action are respectfully traversed below.

Rejections Under 35 U.S.C. §103(a):

Claims 1 – 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Muller** (USP 4,597,752) in view of **Martin** (USP 5,062,597). The Examiner asserted that the combination of **Muller** and **Martin** is obvious because it would allow the combination to “manipulate the folds and the stacks.” However, the references themselves teach away from the alleged combination since they suggest either adding rotating brushes to manipulate the folds (**Martin**) or else the use of a *non-swinging* arm to manipulate the folds, where the length of the arm does *not* vary with the folding operation (**Muller**). Therefore, there is no motivation to combine these references in the manner claimed, and these rejections should be withdrawn.

Martin’s swing arm 11 is conventional, because **Martin** introduces this element by saying that it is “known per se” (column 2, line 58). To improve the operation of laying down folds, **Martin** provides “a unit 13 for flattening and retaining flaps on a pile being formed” (column 2, line 66). At the top of column 4, **Martin** explains, “The swinging unit [i.e., arm 11] alternately distributes the folding flaps to the assemblies 13 for flattening and retaining” and **Martin** goes on to describe the structure of the units 13, which are rotating brushes. At line 17 of column 4 **Martin** states that the units 13 have the function of “pressing down the folds.” **Martin**’s units 13 also include a “hammer member 66” that further smoothes and compresses the folds (column 4, lines 35-55).

Martin *teaches away* from modifying a swinging arm, because it teaches use of a conventional swinging arm and relies entirely on the units 13 for improved folding. **Muller** also *teaches away* from a swinging arm, because its telescopically extensible paper guide (corresponding to an arm) is fixed to the frame at bottom and top.

Muller teaches the importance of an exact height of the telescopically extensible paper guide above the paper stack (column 2, lines 49-52) and the slow telescopic motion of its paper guide is not at all related to the alternation of folds of the web, but instead follows the increase of the height of the paper stack. **Muller** actually teaches that an arm should *not* vary in length with the folding motion.

For at least these reasons, the present claimed invention would not have been obvious over the teachings of **Muller** and **Martin**. Accordingly, these rejections should be withdrawn.

In addition, claims 2 and 3 are further from the references than claim 1. Moreover, as to claim 5, there is no error detection mechanism in **Martin**, only a device for changing the stacks of paper. It is also noted that the Examiner has not even mentioned claim 5, and that the **Inouye** reference is no longer applied. Claim 6 is much like claim 1 and distinguishes over the prior art for the reasons discussed above.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Application No.: 09/987,901

Amendment Under 37 C.F.R. §1.111 dated October 10, 2003

Reply to the Office Action of July 10, 2003

Respectfully Submitted,

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